

BIRMINGHAM

Private Rented Sector Strategy

2022-2027



Executive Summary

The Private Rented Sector Strategy 2022-2027 sets out the strategic direction for the Council's Private Rented Sector service over the next five years. Its purpose is to highlight what we believe are the main priorities and what will be done to meet these.

With demand for social housing far exceeding supply, and owner occupation out of reach for many households, private rented accommodation performs a vital role in meeting housing need in the city. It is therefore essential that the Council works with landlords, tenants, and partners: to protect tenants from harm, to improve property conditions across the whole sector, raise management standards bring long term empty properties back into use, and support the Government's Net Zero strategy and the city's Carbon Roadmap.

We will work with private landlords to encourage and support them to improve standards and take robust enforcement action against those landlords who fail to manage their property properly. We will respond to reports of disrepair, overcrowding, illegal eviction and harassment quickly and in accordance with legislation and existing policies and procedures.

The Council recognises the benefit of joint working and will develop and improve its links with both internal and external partners. Through information sharing, the Council will develop its understanding of this housing sector, respond to concerns made on behalf of tenants, and increase awareness of the help available for both tenants and landlords.

Introduction

Housing is one of the key determinants of health. The quality of people's homes is strongly related to economic prosperity and minimising the adverse effects of poor housing remains a major challenge for the Council. Living in a home which is in good condition, that the household can afford to heat and in an area in which they feel safe and well supported by the local community underpins the wellbeing of individuals and families.

The impact of poor housing in childhood can affect an individual for a lifetime and can affect physical, social and psychological development. In addition to daily activities such as the ability to cook and wash, overcrowding contributes to conflict within the family and for young people the ability to have space to do their homework and relax. Damp, cold and overcrowded conditions can lead directly to physical illness and there is also increasing evidence that poor housing conditions can seriously affect people's mental health and sense of wellbeing.

The Private Rented Sector Strategy identifies the key challenges facing Birmingham and sets out the Council's priorities for tackling them.

Our vision is to "Achieve long term and sustainable improvements in the quality of private rented sector through engagement and regulation"

To achieve this vision, the Council has defined a number of priorities.

Priorities

1. Increase the supply of safe and secure accommodation by bringing empty homes back into use
2. Identify and implement local initiatives to address local issues
3. Tackle disrepair and criminality
4. Prevent illegal evictions and harassment
5. Improve the energy efficiency of Birmingham homes, tackle fuel poverty, and reduce carbon emissions
6. Operate a high-quality mandatory Houses of Multiple Occupation licensing scheme to ensure shared accommodation is safe and provides appropriate facilities to occupiers
7. Seek to influence Government and national regulatory agencies to enhance relevant legislation and regulation.

Priority 1 - Increase the supply of safe and secure accommodation by bringing empty homes back into use

There are approximately 9,900 empty properties across the city and this strategy sets out the actions we will undertake to bring empty properties back into use as quality housing accommodation and to raise awareness of the issues surrounding empty properties. The actions below support the Council's Private Sector Empty Property Strategy 2019-2024.

In order to meet this priority, we will:

- Proactively work with other services to identify and help bring back into use any long-term empty properties within the city.
- Bring 400 empty properties back into use each year.
- Work with owners of empty homes to bring back into use and prevent negative impact on neighbourhoods.
- Identify and prioritise bringing back into use those empty properties that are having the greatest negative impacts on the local community. This will include those vacant properties which are attracting criminality (fly tipping, drug use) and properties which are a visual blight on the community (broken windows, overgrown gardens).
- Provide support, advice, and information to homeowners to bring empty properties back into use.
- Use enforcement action when necessary and appropriate. Action will include the full range of tools available to the Council including empty dwelling management orders and compulsory purchase orders. Legal action of this kind will typically be the option of last resort and used where the owner has failed to act on extensive advice and guidance given.
- Signpost landlords with vacant properties to the Council's private rented sector housing scheme for homeless families.

Priority 2 – Identify and implement local initiatives to address local issues

The conditions found within the private rented sector varies greatly across the city. In addition to the varying standard of accommodation, the proportion of private sector housing in each ward also varies greatly. Nearly half (49.3%) of the housing in the Bournbrook and Selly Park ward is made up of private rented housing, whilst in other areas it makes up only around 10% of the stock (Shard End 10.3%, Kings North South 10.1%, Frankley Great Park 10.3%, and Nechells 9.1%). It is therefore important that the Council's resources are targeted at those areas where housing conditions are at their worst and where the greatest benefits can be achieved.

In order to meet this priority, we will:

- Implement a selective licensing scheme by 2023 (subject to Cabinet and Government approval).
- Undertake a review of the city's Houses of Multiple Occupation (HMO) and implement Additional Licensing if required.
- Work with exempt accommodation providers to improve management standards.
- Explore the potential to work in partnership with a Landlord Accreditation Scheme, reviewing and revising as necessary.
- Work with partners to publicise services offered by the Private Rented Housing team. These include domestic abuse and mental health services, as well as adult and children social services.
- Work in partnership with local communities and elected members to identify and address issues. This will include responding to enquiries quickly and accurately and developing agreed plans of action. Responses will be tailored to the housing conditions being experienced in each neighbourhood.

Priority 3 - Tackle disrepair and criminality

Disrepair and deficiencies such as inadequate fire safety measures, dangerous electrical wiring, and uneven floors can lead to accidents and injury. Damp and mould, two of the most common hazards found in the private rented sector, have a major impact on respiratory conditions. Children are particularly susceptible to bad housing which is linked to debilitating and even fatal, illnesses and accidents.

The Council are authorised to act under a range of legislative provisions, the primary legislation being the Housing Act 2004 under which most offences are criminal. The Act includes the enforcement provisions related to housing standards and the identification of hazards under the Housing, Health and Safety Rating System.

To meet this priority, the Council will:

- We will publish a tenant's Charter of Rights to help them understand their own, and their landlords, responsibilities and details of the support available and what to do if things go wrong.
- Help tenants living in poor quality private rented properties by responding to their concerns quickly and effectively.
- Undertake risk-based assessments using the Housing, Health and Safety Rating System and prioritise Category 1 hazards such as gas and electrical faults, excess cold, and damp and mould.
- Update the Government's database of rogue landlords and property agents. Section 303 Housing and Planning Act 2016 allows the Council to make entries for a person who has been convicted of a banning order offence and/or received two or more financial penalties in respect of a banning order.
- Publicise successful criminal prosecutions.
- Share information with Her Majesty's Revenue and Customs (HMRC) and other local and central government departments.
- Use the full range of legislative tools available when taking action against negligent landlords. The Council will have regard to its Enforcement Policy when deciding the most appropriate course of action. This action could include the service of Civil Penalty Notices, action under the Proceeds of Crime Act 2002, and rent repayment orders.
- Establish joint protocols with other relevant statutory bodies.

Priority 4 – Prevent illegal evictions and harassment

The Council is authorised to act under the Protection from Eviction Act 1977 to respond to allegations of illegal eviction and harassment. The Act defines unlawful eviction and harassment of residential occupiers and creates a criminal offence for breaches which any person subsequently convicted of an offence may receive an unlimited fine and/or a term of imprisonment.

Residential Occupiers [tenants] occupying a privately rented property under the provisions of an Assured Shorthold Tenancy are entitled to exclusive possession of the property, to enjoy the property without interference to either their peace or comfort and not to be unlawfully evicted from it.

Any person with the intent to cause the residential occupier of any premises and any person who knows, or has reasonable cause to believe the conduct committed is likely to cause the residential occupier or members of their family to give up the occupation of the premises, to refrain from exercising any right in respect of the premises, or does acts calculated to interfere with the peace or comfort of the residential occupier or members of their household; or persistently withdraws or withholds services reasonably required for the occupation of the premises as a residence, shall be guilty of an offence.

Whilst many landlords will manage their property in a lawful manner, some will not follow the prescribed procedures, either through ignorance or wilful disregard. To reduce illegal eviction and harassment, the Council will:

- Ensure that help and advice is available to tenants and respond to alleged offences under the Protection from Eviction Act 1977 in a quick and timely manner. In doing so, the Council will have regards to its Enforcement Policy.
- Assist with physical reinstatement or injunctive action against the landlord when required
- Ascertain the reason for the landlord's actions and refer the tenant to the Council's housing advice service for assistance under the Homelessness Reduction Act 2017 as necessary
- Offer training and guidance to landlords to raise management standards and prevent offences from occurring
- Publicise successful prosecutions of landlords where tenants have been harassed or illegally evicted.

Priority 5 - Improve the energy efficiency of Birmingham homes, tackle fuel poverty, and reduce carbon emissions

A household is said to be in fuel poverty when it cannot afford to keep adequately warm at reasonable cost, given their income. The incidence of fuel poverty in the city is around 1 in 5 households, considerably higher than the national average of 1 in 10. A cold home is bad for health and increases the risk of cardiovascular, respiratory, and rheumatoid diseases. Many of the excess winter deaths each year are attributable to the coldest 25% of homes. Domestic energy is responsible for around a third of all carbon emissions.

Birmingham has an ambitious target of a 60% reduction in total carbon dioxide (CO₂) emissions by 2027, against 1990 levels. The most up to date government data indicates that in 2015 Birmingham's CO₂ emissions have decreased by 33.7% against the 1990 baseline.

- Provide advice and assistance on energy efficiency measures, alternative methods of heating and energy provider switching services to tenants.
- Identify and bid for funds to promote energy efficiency and tackle fuel poverty.
- Signpost residents to information and advice to resolve financial hardship.
- Explore partnerships with local support providers.
- Ensure landlords are compliant with all aspects of the Energy Act 2011 including compliance with the Minimum Energy Efficiency Standards
- Signpost landlords and tenants to grant funding opportunities for heating and insulation works. Heating homes more efficiently will not only make utility bills more affordable for the tenant but will also contribute towards the Government's Net Zero Strategy and the city's Carbon Roadmap.

Priority 6 - Operate a high-quality mandatory HMO licensing scheme to ensure shared accommodation is safe and provides appropriate facilities to occupiers

Houses of Multiple Occupation (HMOs) play a valuable role in the city's housing market as they provide accommodation for many low income, vulnerable people and those requiring short term housing. However, HMOs are not without their problems with the physical condition varying considerably and there are concerns from many residents and partners that the property and management standards are poor.

HMOs also create increased population density, leading to greater demand for infrastructure services, such as waste collections and on-street parking. They can also lead to a higher proportion of transient residents, potentially leading to less community cohesion and making the area less popular with local residents.

In order to address these issues, we will:

- Develop proactive initiatives to identify HMOs that require a mandatory licence. This will include working with the Council's planning and council tax departments, West Midlands Fire and Rescue Service, West Midlands Police, and UK Visas and Immigration service (previously UK Border Agency)
- Ensure that HMOs have adequate waste and recycling facilities and work with other departments to address fly tipping and other environmental crimes linked to these properties.
- Undertake regular inspections to ensure compliance with licence conditions and take action against landlords who fail to comply. In doing so, it will have full regard to the Council's Enforcement Policy.
- Protect tenants by ensuring that all mandatory HMOs are free from Category 1 hazards.
- Use any money recovered through civil penalties or proceeds of crime to develop enforcement activities and improve housing standards.

Priority 7 - Seek to influence Government and national regulatory agencies to enhance relevant legislation and regulation.

The City Council will use opportunities to influence the Government, other regulatory agencies, and partners to advocate for better standards in the private rented sector on behalf of its residents.

To that end the City Council will:

- Lobby for more effective legal provisions and better control of the private rented sector.
- Propose revised standards for control of all parts of the private rented sector.
- Lobby for better regulation of the exempt sector.
- Work in partnership with other local authorities and the voluntary sector to propose improvements in regulation.

Monitoring and review

The strategy is subject to change and will be reviewed after the first year of operation and/or in line with changes in legislation and guidance.

The first year review will consider whether the Council is achieving its priorities, whether these remain valid, and whether the prescribed actions remain fit for purpose. It will also allow the City Council to consider whether any priorities need to be added to address new or worsening housing situations.

Monitoring will give the opportunity to update guidance on grants and other assistance available to landlord and tenants. Monitoring will include the agreement of key performance indicators and monitoring achievement against the targets.